

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-28 and 52-61 are currently pending. Claims 1, 18, and 58-61 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-28 and 52-61 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,990,927 to Hendricks et al. (hereinafter “the ‘927 patent”) in view of U.S. Patent No. 6,115,713 to Pascucci et al. (hereinafter “the ‘713 patent”).

Claim 60 is directed to a data sending receiving system having a sending apparatus and receiving apparatus, the data sending receiving system comprising: (1) a first memory configured to store data including a plurality of content; (2) a first interface configured to send and receive data; (3) a retrieval unit configured to retrieve the data stored in said first memory; (4) a first controller configured to control said first interface to receive request information for content from said receiving apparatus, wherein the retrieval unit is configured to retrieve the data stored in said first memory based on the request information, and said first interface is configured to send the data retrieved by said retrieval unit; (5) a second interface configured to send information and to receive data; (6) a second memory configured to store data; and (7) a second controller configured (a) to control said second interface to send said request information to said sending apparatus based on user input and to receive the data retrieved by said retrieval unit, (b) to check whether the received data sent from said sending apparatus includes new content, which is content not currently stored in the second memory, by comparing the received data sent from the sending apparatus to data stored in the second memory, and (c) to add only the new content included in the received data to the second

memory automatically based on the results of the checking, wherein said first interface and said second interface are connected to an electronic communication network. The changes to Claim 60 are supported by the originally filed specification and do not add new matter.¹

Regarding the rejection of Claim 60 under 35 U.S.C. §103(a), the Office Action does not specifically address Claim 60. The Office Action does not indicate what limitations recited in Claim 60 are not taught by the '927 patent. However, the Office Action on page 3 merely states that the '713 patent discloses a "networked facilities management system where databases are synchronized by use of a time stamp to verify new content, and that it would have been obvious to one of ordinary skill in the art to modify the '927 system in order to incorporate the "synchronizing/verifying means of Pascucci et al. in order to avoid unnecessarily transmitting data."²

The '927 patent is directed to a set-top terminal for cable television delivery systems. As shown in Figure 1, the '927 patent discloses a network controller 214, an operations center 202, uplink sites 204, and a set-top terminal 220 operated by a remote 900. Further, the '927 patent discloses that the set-top terminal supports menu generation, picture-on-picture displays, program catalog services, interactive services, telephone caller identification, visual audio reception, VCR control, HDTV reception, and satellite system interoperability. Further, the '927 patent discloses that menu information and telephone numbers are stored at in the set-top box 220 for display and/or interface with the customer for ordering pay-per-view programs, for example.

However, Applicants respectfully submit that the '927 patent fails to disclose a second controller configured to check whether the received data sent from the sending apparatus includes new content, which is content not currently stored in the second memory.

¹ See, e.g., page 31 in the specification.

² See page 3 of the outstanding Office Action.

by comparing the received data sent from the sending apparatus to data stored in the second memory, and to add only the new content included in the received data to the second memory automatically based on the results of the checking, as recited in amended Claim 60. Rather, as shown in Figure 22, the '927 patent merely discloses that the set-top box, which has a separate output for a VCR, can be programmed to record specific programs directly to the VCR. The '927 patent does not teach or suggest a controller that checks whether received data sent from a sending apparatus includes new content, which is content not currently stored in the second memory, by comparing the received data sent from the sending apparatus to the data stored in the second memory, and adding only the new content included in the received data to the second memory automatically based on the results of the checking, as recited in amended Claim 60. The '927 patent does not disclose comparing received data with data stored in a memory, as required by amended Claim 60.

The '713 patent is directed to a method of allocating high reliability data in a system that includes nodes communicating with each other over a network. In particular, as noted in the outstanding office Action, the '713 patent discloses a system in which nodes in the network can be synchronized with the appropriate data once they come online. As shown in the flowchart of Figure 29, the '713 patent discloses that the nodes on the network all periodically broadcast a time stamp indicating the latest version of the global database in that node. Further, the '713 patent discloses that the node that comes online waits to receive such a time stamp and then requests the global data from the node that broadcast the received time stamp. Further, the '713 patent discloses that the node then proceeds to broadcast its own time stamp, and that if the node receives other time stamps that have later times it requests the global data from the broadcasting node. Further, as described in column 45, lines 37-47, the '713 patent also discloses a system in which a slave device reports its database revision level as a time stamp to its network controller, and if the network controller has a new

database as indicated by its own time stamp, it downloads that information, which is some portion of the data base, to the device coming on line. However, the '713 patent discloses that if the network controller does not have a more recent database, it does nothing and assumes that the slave device has the correct database. In this regard, Applicants note that the '713 method requires that the network controller, i.e., the sending apparatus, checks a time stamp to determine whether the receiving apparatus has an early or later version of a database.

However, Applicants respectfully submit that the '713 patent fails to disclose a second controller configured to check whether the received data sent from the sending apparatus includes new content, which is content not currently stored in a second memory, by comparing the received data sent from the sending apparatus to data stored in the second memory, and to add only the new content included in the received data to the second memory automatically based on the results of the checking. The '713 patent does not disclose that a controller in the receiving device that receives data sent from the sending apparatus checks for new content in the received data, as required by amended Claim 60. Rather, the '713 patent merely discloses that the sending apparatus chooses to send or not send data based on a time stamp received. Further, the '713 patent does not disclose any comparing of received data to data stored in a memory on the receiving device, as required by Claim 60. Further, the '713 patent does not disclose adding only new content, out of the received data, to the second memory automatically. Rather, the '713 patent merely discloses a sender deciding what to send, and the receiver storing all of the received data. The '713 patent does not disclose that the receiver receives data, compares the received data to data stored in the memory, and then the receiver decides to store only new content into that memory, as required by Claim 60.

Thus, no matter how the teachings of the '927 and '713 patents are combined, the combination does not teach or suggest a second controller configured to check whether the received data sent from the sending apparatus includes new content, which is content not currently stored in the second memory, by comparing the received data sent from the sending apparatus to data stored in the second memory, and to add only the new content included in the received data to the second memory automatically based on the results of the checking, as recited in amended Claim 60. Accordingly, Applicants respectfully submit that the rejection of Claim 60 (and all associated dependent claims) is rendered moot by the present amendment to Claim 60.

Independent Claims 1, 18, 58, 59, and 61 recite limitations analogous to the limitations recited in Claim 60. Moreover, Claims 1, 18, 58, 59, and 61 have been amended in a manner analogous to the amendment to Claim 60. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of Claims 1, 18, 58, 59 and 61 are rendered moot by the present amendment to those claims.

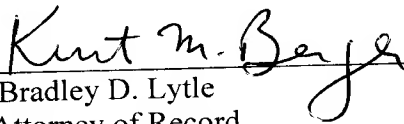
Further, Applicants note that the Office Action fails specifically to address many of the dependent claims in the present application. For example, Applicants note that Claim 8 recites limitations regarding the data quality of the data sent from the sending apparatus to the receiving apparatus. Applicants respectfully submit that this limitation is not addressed in the outstanding Office Action and is not disclosed by any proper combination of the cited references.

Thus, it is respectfully submitted that independent Claims 1, 18, 58, 59, 60, and 61 (and all associated dependent claims) patentably define over any proper combination of the '927 and '713 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Kurt M. Berger, Ph.D.
Registration No. 51,461

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